

DIVISION 1

PROCEDURAL RULES

- 337-001-0000 Notice of Proposed Rule
- 337-001-0005 Model Rules of Practice and Procedure

DIVISION 10

LICENSURE

- 337-010-0006 Definitions
- 337-010-0008 Change of Name and/or Address
- 337-010-0010 Qualifications of Radiologic Technologist in Diagnostic Field
- 337-010-0012 Examination Fee and Deadline for Submitting Examination Fee and Supporting Documents
- 337-010-0015 Qualifications of Radiologic Technologist in Therapeutic Field
- 337-010-0020 Reciprocity
- 337-010-0025 Continuing Education
- 337-010-0030 Limited Permits
- 337-010-0031 Requirements for Limited Permits Program Sponsors
- 337-010-0036 Supervision of Temporary Permit Holders
- 337-010-0045 Students; Trainees
- 337-010-0055 Enforcement and Inspections
- 337-010-0060 Imposition of Civil Penalties
- 337-010-0061 Aggravation and Mitigation
- 337-010-0065 Requiring an Answer to Charges as Part of Notices to Parties in Contested Cases
- 337-010-0075 Hearing Request and Answers: Consequences of Failure to Answer
- 337-010-0080 Processing of Applications

DIVISION 20

BIRTHDAY MONTH RENEWAL

- 337-020-0000 Radiologic Technologist or Radiation Therapist License — Permanent
- 337-020-0020 Limited Permit — Permanent
- 337-020-0040 Requirements for Prorating of Fees

DIVISION 21

FEEES

- 337-021-0005 Fee for a Temporary License
- 337-021-0010 Fee for a Temporary Limited Permit
- 337-021-0020 Fee for a Delinquent Renewal
- 337-021-0030 Fee for a Radiologic Technologist or Radiation Therapist License—Permanent
- 337-021-0040 Fee for a Limited Permit — Permanent
- 337-021-0050 Fee and Requirements for An Expedited Initial, Renewal or Reinstatement License or Limited Permit

DIVISION 1

PROCEDURAL RULES

337-001-0000

Notice of Proposed Rule

Prior to the adoption, amendment, or repeal of any rule, the State Board of Radiologic Technology shall give notice of the proposed adoption, amendment, or repeal:

- (1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 15 days prior to the effective date.
- (2) By mailing a copy of the Notice to persons on the Board's mailing list established pursuant to ORS 183.335(6).
- (3) By mailing a copy of the Notice to the following persons, organizations, or publications:

- (a) Associated Press;
 - (b) United Press International;
 - (c) Oregon Society of Radiologic Technologists;
 - (d) Oregon Medical Association;
 - (e) Oregon Association of Hospitals;
 - (f) Oregon Association of Chiropractic Physicians;
 - (g) Oregon Association of Naturopathic Physicians;
 - (h) Oregon Osteopathic Association;
 - (i) Oregon Podiatry Association
- Stat. Auth.: ORS 183
 Stats. Implemented:
 Hist.: RT 1-1978, f. & ef. 5-11-78

337-001-0005

Model Rules of Practice

The Uniform and Model Rules of Procedure under the Administrative Procedures Act, dated September 15, 1997 as promulgated by the Attorney General of the State of Oregon, are by this reference adopted as the rules of practice and procedure of the Board of Radiologic Technology and shall be controlling except as otherwise required by statute or rule.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or Board of Radiologic Technology.]
 Stat. Auth.: ORS 171, ORS 183 & ORS 688.555(1)
 Stats. Implemented: ORS 183.341
 Hist.: RT 1-1978, f. & ef. 5-11-78; RT 1-1980, f. & ef. 6-10-80; RT 1-1982, f. & ef. 3-11-82; RT 1-1985, f. & ef. 2-21-85; RT 1-1986, f. & ef. 1-31-86; RT 2-1988, f. & cert. ef. 11-9-88; BRT 6-1998, f. & cert. ef. 10-16-98

DIVISION 10

LICENSURE

337-010-0006

Definitions

For purposes of ORS 688.405 to 688.605 and these rules:

- (1) The "Practice of Radiologic Technology" shall be defined as but not limited to the use of ionizing radiation upon a human being for diagnostic or therapeutic purposes including the physical positioning of the patient, the determination of exposure parameters, and the handling of the ionizing radiation equipment.
- (2) "Unprofessional Conduct" shall be defined as but not limited to the following:

(a) Engaging in the practice of radiologic technology while under the influence of intoxicating liquor, controlled substance, or any other drugs which impair consciousness, judgment, or behavior to the extent that normal physical or mental faculties are impaired. For purposes of this definition, a person is "under the influence" of intoxicating liquor if either the person has 0.08 or more of alcohol in the blood as shown by a chemical analysis of breath or blood or other evidence establishes that the person's normal physical or mental faculties are impaired after having consumed intoxicating liquor; or

(b) Willfully making or filing false reports or records in the practice of radiologic technology, willfully impeding or obstructing the proper making and filing of reports or records, or willfully failing to file the proper report or record; or

(c) Disclosure of information relating to a patient or his/her records except to the patient's physician without the patient's consent; or

(d) Discrimination in the practice of radiologic technology against any person on account of sex, race, religion, creed, color, or national origin; or

(e) Repeatedly or knowingly failing to abide by city, state, and federal regulations or laws pertaining to the practice of radiologic technology; or

(f) Engaging in sexual harassment in the practice of radiologic technology. "Sexual Harassment" is defined as deliberate or repeated comments or gestures of a sexual nature or touching of the sexual or other intimate parts of a person when the recipient states expressly or it can be reasonably inferred, that the comment, gesture or touching is unwanted by the recipient;

- (g) Failing to respond to inquiries by the Board;
- (h) Failing to cooperate in investigations conducted by the Board;
- (i) Failing to provide competent care to a patient. Competent care requires the technical knowledge, skill, thoroughness, and preparation reasonably necessary for the care;
- (j) Violation of ORS 688.405 to 688.605 or any rule of the Board;
- (k) Failure to timely pay any civil penalty imposed by the Board.

Stat. Auth.: ORS 183.310(7) & ORS 688.555(1)
 Stats. Implemented:
 Hist.: RT 2-1986, f. 4-29-86, ef. 7-1-86; RT 1-1989, f. & cert. ef. 1-24-89; RT 1-1990, f. & cert. ef. 2-2-90; RT 1-1992, f. & cert. ef. 1-15-92

337-010-0008

Change of Name and/or Address

Every licensee or permittee shall maintain on file with the Board their correct current residence address and name.

Stat. Auth.: ORS 183.310(7) & ORS 688.555(1)
 Stats. Implemented:
 Hist.: RT 1-1992, f. & cert. ef. 1-15-92

337-010-0010

Qualifications of Radiologic Technologist in Diagnostic Field

In addition to those qualifications set out in ORS 688.465, applicants for licensure as a radiologic technologist in the diagnostic field must:

- (1) Submit evidence of certification by the American Registry of Radiologic Technologists (ARRT) in x-ray technology. This evidence shall consist of applicant being listed in the current ARRT directory. When the applicant is not listed in the current ARRT directory, he or she shall submit to the Board a certified copy issued by ARRT of the original registration certificate; or
- (2) Submit evidence of certification after December 31, 1974, by the American Registry of Clinical Radiography Technologists (ARCRT) as a Radiography Technologist (RT) or Master Radiography Technologist (MRT). This evidence shall consist of applicant submitting to the Board a certified copy issued by ARCRT of the original registration certificate listing the date the applicant was initially certified; or
- (3) Have successfully completed a course of study in an approved school of radiologic technology as defined in ORS 688.405(1) and obtain a passing score on the examination in diagnostic radiologic technology given by The American Registry of Radiologic Technologists. A scaled score of 75 constitutes a minimum passing score.

Stat. Auth.: ORS 688
 Stats. Implemented:
 Hist.: RT 2-1978, f. & ef. 7-7-78; RT 2-1982, f. & ef. 3-11-82; RT 2-1986, f. 4-29-86, ef. 7-1-86

337-010-0012

Examination Fee and Deadline for Submitting Examination Fee and Supporting Documents

The examination fee for individuals wishing to take Oregon's licensure examination in diagnostic, therapeutic, or diagnostic and therapeutic radiologic technology is \$20. The examination fee along with copies of transcripts and/or diplomas showing evidence of completion of a course of study in an approved school of radiologic technology must be submitted to the Board office by May 15 for a July examination, by August 15 for an October examination, and by January 15 for a March examination.

Stat. Auth.: ORS 688
 Stats. Implemented:
 Hist.: RT 2-1979, f. & ef. 11-9-79; RT 2-1985, f. & ef. 7-1-85

337-010-0015

Qualifications of Radiologic Technologist in Therapeutic Field

In addition to those qualifications set out in ORS 688.475, applicants for licensure as a radiologic technologist in the therapeutic field must:

- (1) Submit evidence of certification from the American Registry of Radiologic Technologists (ARRT) in radiation therapy. This evi-

dence shall consist of applicant being listed in the current ARRT directory. When the applicant is not listed in the current ARRT directory, he or she shall submit to the Board a certified copy issued by ARRT of the original registration certificate; or

- (2) Have successfully completed a course in radiation therapy in an approved school or radiologic technology as defined in ORS 688.405(1) and obtain a passing score on the examination in radiation therapy given by the American Registry of Radiologic Technologists. A scaled score of 75 constitutes a minimum passing score; or

(3) Meet the qualifications for licensure as a radiologic technologist in the diagnostic field:

- (a) Provide evidence of two years of full-time employment in radiation therapy under the supervision of a radiation oncologist. (Two years full-time employment equals 4,000 hours.) Full-time employment in radiation therapy must be verified by a signed letter from the radiation oncologist supervisor attesting to the fact that the applicant has been employed full-time as a radiologic technologist for a period of two years; and

(b) Obtained a passing score on the examination in radiation therapy given by the Board. A scaled score of 75 constitutes a minimum passing score.

Stat. Auth.: ORS 688
 Stats. Implemented:
 Hist.: RT 2-1978, f. & ef. 7-7-78; RT 2-1982, f. & ef. 3-11-82; RT 2-1986, f. 4-29-86, ef. 7-1-86

337-010-0020

Reciprocity

In addition to those qualifications set out in ORS 688.495(2) applicants for reciprocal licensing must:

- (1) Submit a certified copy of the current license or certificate issued by the state, country, or territory from which he or she seeks to be licensed by reciprocal agreement; and
- (2) Currently hold a full or unlimited license issued from those states which the Board finds has requirements equivalent to or exceeding those of this licensing Board; or
- (3) Currently hold a certificate issued from those countries or territories which the Board finds has requirements equivalent to or exceeding those of this licensing Board.

Stat. Auth.: ORS 688
 Stats. Implemented:
 Hist.: RT 2-1978, f. & ef. 7-7-78

337-010-0025

Continuing Education

(1) The holder of a permanent therapeutic or diagnostic license or limited permit shall, at the time of submitting a renewal fee and as a condition of renewal, also submit reasonable proof, as defined by the Board, of having completed continuing education. The continuing education shall be related to the area of licensure or limited permit issued by the Board.

(2) Diagnostic and therapeutic licensees are required to obtain a minimum of 24 clock hours of continuing education per biennium at the average rate of one clock hour per month.

(3) Limited permit holders are required to obtain continuing education hours based on the number of categories in which a limited permit is held. This includes an average of 0.75 clock hours of continuing education per month for between one and three anatomic areas, and an average of one clock hour of continuing education per month for four or more anatomic areas.

(4) A sample of the total population of licensees and limited permit holders will be required to submit continuing education verification documents with renewal applications, but all licensees and limited permit holders will be required to retain verification documents for a period of two years following the renewal date. At any time during that two years the Board may require licensees and limited permit holders to produce those documents for purposes of an audit by the Board.

(5) Persons wishing to reinstate an expired or inactive license or limited permit shall submit evidence of having obtained continuing education during the period of inactivity or lapse. The number of hours of continuing education shall be no greater than 12 and no

less than the average required rate per month up to 12 hours. In order to qualify, the licensee or limited permit holder must certify that s/he did not practice radiologic technology in the State of Oregon during the time the license or limited permit was lapsed or inactive.

Stat. Auth.: ORS 688.555(1)
 Stats. Implemented: ORS 688.505
 Hist.: RT 2-1978, f. & ef. 7-7-78; RT 1-1985, f. & ef. 2-21-85; RT 1-1987, f. & ef. 1-27-87; RT 2-1990, f. & cert. ef. 4-27-90; RT 1-1992, f. & cert. ef. 1-15-92; BRT 3-1998, f. & cert. ef. 7-15-98

337-010-0030

Limited Permits

(1) Applicants for Limited Permits in Diagnostic Radiologic Technology. Qualifications:

(a)(A) An applicant for a limited permit in diagnostic radiologic technology shall be at least 18 years of age, pay an application fee of \$70, and have successfully passed a course of instruction in radiation use and safety specific to diagnostic radiologic technology consisting of not less than 36 hours of instruction approved by the Board in the following subjects:

- (i) Nature of x-rays;
- (ii) Interaction of x-rays with matter;
- (iii) Radiation units;
- (iv) Principle of the x-ray machine;
- (v) Biological effects of x-ray;
- (vi) Principles of radiation protection;
- (vii) Low-dose technique;
- (viii) Applicable radiation regulations;
- (ix) Darkroom and film processing;
- (x) Film critique.

(B) Otherwise meeting the requirements stated in the Board's publication "Radiation Use/Safety" dated January 1, 1988, which is incorporated by reference and made a part of this rule.

(b) Have received a course of instruction in laboratory practice approved by the Board meeting the requirements stated in the Board's publication "Behavioral Objectives and Teaching Guides" dated January 1, 1990, which is incorporated by reference and made a part of this rule and taught by an Oregon-licensed registered technologist specific to each category for which a limited permit is sought and have received the instructor's certification that the applicant has demonstrated all the positions/projections described in the Behavioral Objectives for each category. Effective January 1, 1990, the minimum hours in each category are as follows:

- (A) Skull/Sinus, 15 hours;
- (B) Spine, 25 hours;
- (C) Chest/Ribs, 10 hours;
- (D) Upper Extremity, 15hours;
- (E) Lower Extremity, 15 hours;
- (F) Abdomen/Pelvis, 6 hours;
- (G) Foot/Ankle for Podiatric Use, 8 hours.

(c) Have successfully completed a practical experience program approved by the Board specific to each category for which the applicant seeks a limited permit. The practical experience component shall consist of experience with live patients during which radiographs are exposed and the developed radiographs made by the students are evaluated and critiqued by an ARRT-registered, Oregon-licensed radiologic technologist Practical Experience Evaluator. If the Practical Experience Evaluator is not present to observe the student perform the radiographic examination, the following protocol must be used:

- (A) Peer positioning must be used to demonstrate the positioning used to achieve the radiographs being evaluated;
- (B) The student must provide the radiographic exposure factors used to achieve the radiographs being evaluated.
- (d) The student may be evaluated using the Practical Experience Evaluation Form developed by the Board. If the Practical Experience Evaluator chooses to use a method for evaluation other than the Practical Experience Evaluation Form, that method must receive prior approval from the Board. The Practical Experience Evaluator must provide the student with a certificate of completion in the categories in which the student has successfully completed practical experience;
- (e) Student status shall begin when an individual has successfully passed a Board-approved course in radiation use/safety and has

successfully completed the didactic portion of a positioning/ techniques class relative to the anatomical area he wishes to radiograph. If a student fails the limited permit examination, his student status shall continue for one year from the date of completion of the didactic portion of the corresponding positioning/techniques course. Student status expires at the end of the one-year period specified above; or seven days after the date on which an applicant becomes eligible for a limited permit. Student status may be reinstated by the Board only upon verification of the student's re-enrollment in Board-approved courses in radiation use/safety and positioning/techniques.

(2) Applicants for Limited Permits in X-ray Bone Densitometry: Qualifications:

(a) An applicant for a limited permit in x-ray bone densitometry shall be at least 18 years of age, pay an application fee set by the Board, and have successfully passed a Board approved 24 hour course of instruction which includes not less than 20 hours of radiation use and safety specific to x-ray bone densitometry, and meets the didactic and practical experience requirements stated in the Board's publication "Behavioral Objectives and Teaching Guide: X-Ray Bone Densitometry," dated September 16, 1997 which is incorporated by reference and made a part of this rule.

(b) Student status shall begin when the individual has successfully passed a Board-approved course in x-ray bone densitometry. If a student fails the x-ray bone densitometry limited permit examination, his student status shall continue for one year from the date of course completion. Student status expires at the end of the one-year period specified above; or seven days after the date on which an applicant becomes eligible for a limited permit in x-ray bone densitometry. Student status may be reinstated by the Board only upon verification of the student's re-enrollment in a Board-approved course in x-ray bone densitometry;

(c) Applications for a "grandfathered" limited permit in x-ray bone densitometry will be accepted through June 30, 1992, and must be accompanied by certification of successful completion of a minimum 24 hour training course in x-ray bone densitometry by a manufacturer's application specialist and certification that the applicant has one year of experience operating an x-ray bone densitometer with a minimum of 200 patient hours.

(3) Examination Fees for Limited Permits:

(a) Examinations will be given four times each year: February, May, August, and November. The examination fee is \$20 for each examination category for which the student is tested. This fee, together with the necessary certifications and verifications that the applicant has completed Board-approved courses in radiation use/safety, laboratory practice (positioning and techniques), and a practical experience program must be submitted to the Board office by January 2 for a February examination; April 1 for a May examination; July 1 for an August examination; and October 1 for a November examination;

(b) The examination shall consist of two parts:

- (A) Radiation use and safety which all applicants shall be required to take; and
- (B) Laboratory practice (positioning and techniques) in the category or categories for which a limited permit is desired to be obtained.

(c) A score of 75 percent constitutes a minimum passing score for each section of the limited permit examination;

(d) Limited permit examinations will be administered in English without the use of interpreters, translators, readers, books, papers, dictionaries (both English and foreign language), or other outside assistance. Calculators may be used;

(e) If a student fails to appear to take the scheduled limited permit examination, a refund may be obtained by requesting a refund in writing within thirty days of the scheduled examination.

(4) Time Frame for Completing Requirements for a Limited Permit: An applicant has a maximum of one year from the time of completion of a limited permit didactic class term to make application for a limited permit or add categories to an existing limited permit.

[Publications: Publications referenced are available from the agency.]
 Stat. Auth.: ORS 388.555(1)
 Stats. Implemented: ORS 688.515(4) & ORS 688.515(8)

Hist.: RT 2-1978, f. & ef. 7-7-78; RT 2-1982, f. & ef. 3-11-82; RT 3-1982, f. & ef. 9-30-82; RT 2-1985, f. & ef. 7-1-85; RT 2-1986, f. 4-29-86, ef. 7-1-86; RT 1-1987, f. & ef. 1-27-87; RT 3-1987, f. & ef. 4-16-87; RT 5-1987, f. & ef. 10-19-87; RT 1-1988, f. & cert. ef. 4-13-88; RT 2-1988, f. & cert. ef. 11-9-88; RT 3-1988, f. & cert. ef. 11-9-88; RT 1-1989, f. & cert. ef. 1-24-89; RT 3-1990, f. & cert. ef. 11-7-90; RT 4-1990, f. & cert. ef. 11-7-90; RT 1-1991, f. & cert. ef. 1-30-91; RT 1-1992, f. & cert. ef. 1-15-92; BRT 4-1998, f. & cert. ef. 7-15-98

337-010-0031

Requirements for Limited Permits Program Sponsors

(1) Instructors of radiation use/safety and/or laboratory practice (positioning/techniques) classes must provide the Board with the names of all students who have successfully completed the didactic portions of the limited permit program. The list must indicate the specific didactic portion(s) of the limited permit program the student has successfully completed and the completion date.

(2) Retention of Student Records: instructors of radiation use/safety and/or laboratory practice (positioning and techniques) classes and practical experience evaluators must retain student grades and attendance records for a period of two years.

(3) Limited permit program sponsors must annually submit to the Board for review an outline of the limited permit program. The outline along with the names of all instructors teaching in the program must be submitted to the Board office no later than July 1 each year. In addition to a written outline, and as a condition of Board approval, each limited permit program site shall be inspected biannually or needed by a Board member or an authorized representative of the Board. The site visit shall include an inspection of the physical premises on which limited permit programs are conducted as well as interviews with students currently enrolled in the limited permit program.

(4) A resource library shall be maintained at the program site and the resource materials shall be made available to students.

(5) Prior to the first class meeting, Board-approved limited permit programs must provide students with clear statements describing the course and program policies. These must include but are not necessarily limited to information regarding the following:

(a) Student costs including tuition, books, lab fees, limited permit examination fees, limited permit application and renewal fees;

(b) Tuition refund policies;

(c) How the practical experience requirement is to be fulfilled including a clear explanation of the responsibilities that will be assumed by the program and the responsibilities that will be assumed by the student;

(d) Employment guarantees, if any;

(e) Course outlines and minimum hourly requirements for each section of the course;

(f) The limited permit examination process including applications, deadlines for filing for the examination, and examination fees;

(g) Limited permits including applications and fees.

(6) Failure by the limited permit program sponsor to submit the outline required under this section or to cooperate in the site visit procedure shall constitute grounds for the Board's refusal to approve the program.

(7) If the Board's inspection of a limited permit program site reveals that corrective action needs to be taken, the Board or its representative will so notify the program director. The program director shall respond in writing to the Board within 20 days of receiving the information. The response shall consist of a description of the corrective action that will be taken.

(8) Any Limited Permit course of instruction, approved by the Board in order to satisfy the Board's requirement for didactic and clinical experience portions of the Limited Permit course of instruction, shall be made generally available to the public for purposes of enrollment in and completion of the course, unless the Board, for good cause, decides otherwise.

Stat. Auth.: ORS 688.555(1)

Stats. Implemented: ORS 688.515(3)(e)

Hist.: RT 1-1989, f. & cert. ef. 1-24-89; RT 3-1990, f. & cert. ef. 11-7-90; BRT 6-1998, f. & cert. ef. 10-16-98

337-010-0036

Supervision of Temporary Permit Holders

No temporary permit shall be issued to any person who will be under the supervision of a licensed practitioner who is in violation of the provisions of ORS 688.405 to 688.605.

Stat. Auth.: ORS 688

Stats. Implemented:

Hist.: RT 2-1987(Temp), f. & ef. 1-27-87; RT 4-1987, f. & ef. 8-4-87

337-010-0045

Students; Trainees

(1) Any student working for compensation beyond that which is paid all those students in an approved school of radiologic technology must hold a valid limited or temporary permit to perform the duties of a diagnostic or therapeutic radiologic technologist.

(2) A trainee or student in therapeutic radiologic technology working in the field of diagnostic radiologic technology for compensation must hold a valid permit or license as a diagnostic radiologic technologist.

Stat. Auth.: ORS 688

Stats. Implemented:

Hist.: RT 2-1978, f. & ef. 7-7-78

337-010-0055

Enforcement and Inspections

In addition to those requirements set out in ORS 688.595, licenses and permits shall be on file in the department in which the licensee or permit holder works and shall be made available for inspection by the Radiation Control Section, Oregon State Health Division.

Stat. Auth.: ORS 688

Stats. Implemented:

Hist.: RT 2-1978, f. & ef. 7-7-78

337-010-0060

Imposition of Civil Penalties

(1) When a civil penalty is imposed it does not preclude the imposition of any other disciplinary sanction against the licensee or permittee.

(2) The civil penalty shall be payable to the Board by cash, cashiers check, or money order.

(3) Civil penalties shall be imposed according to the following schedule in the absence of a finding of aggravating or mitigating circumstances:

(a) Practicing radiologic technology without a current Oregon license or permit due to nonpayment of fees:

(A) Date license becomes void to six months, \$100;

(B) Six months to twelve months, \$200;

(C) One year to two years, \$500;

(D) Two years and up, \$1,000.

(b) Practicing radiologic technology without a current Oregon license or permit, not related to nonpayment of fee — \$1,000;

(c) Unprofessional conduct by a licensee or permittee — \$1,000;

(d) Violation of ORS 688.405 to 688.605 or any rule of the Board of Radiologic Technology unless otherwise provided in this schedule, \$1,000;

(e) Gross negligence in the practice of radiologic technology, \$1,000;

(f) Knowingly employing an individual to practice radiologic technology when the individual does not have a current, valid Oregon license or permit, \$1,000;

(g) Knowingly make a false statement to the Board, \$500;

(h) Practicing radiologic technology outside the scope for which the license or permit is issued, \$500;

(i) Obtaining or attempting to obtain a license or permit or a renewal of a license or permit by bribery or fraudulent representation, \$500;

(j) Purporting to be a licensee or permittee when the person does not hold a valid license or permit, \$1,000;

(k) Practice radiologic technology under a false or assumed name, \$500;

- (l) Conviction of a crime where such crime bears a demonstrable relationship to the practice of radiologic technology, \$1,000;
- (m) Has undertaken to act as a radiologic technologist independently of the supervision of a practitioner licensed by the State of Oregon to practice one of the healing arts, \$1,000.

(4) The Board shall report to the American Registry of Radiologic Technologists of all Board disciplinary actions and all cases where the Board issues a conditional license.

Stat. Auth.: ORS 688.555(1)
 Stats. Implemented: ORS 688.605(4)
 Hist.: RT 1-1992, f. & cert. ef. 1-15-92; BRT 6-1998, f. & cert. ef. 10-16-98

337-010-0061

Aggravation and Mitigation

After misconduct has been established, aggravating and mitigating circumstances may be considered in deciding what sanction to impose:

(1) Aggravation or aggravating circumstances are any considerations or factors that may justify an increase in the degree of discipline to be imposed. Mitigation or mitigating circumstances are any considerations or factors that may justify a reduction in the degree of discipline to be imposed.

(2) Factors which may be considered as aggravating factors include:

- (a) Prior disciplinary offenses;
 - (b) A pattern of misconduct;
 - (c) Multiple offenses;
 - (d) Bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency;
 - (e) Submission of false evidence, false statement, or other deceptive practices during the disciplinary process;
 - (f) Refusal to acknowledge wrongful nature of conduct.
- (3) Factors which may be considered mitigating factors include:
- (a) Absence of a prior disciplinary record;
 - (b) Timely good faith effort to make restitution or to rectify consequences of misconduct;
 - (c) Full and free disclosure to disciplinary board or cooperative attitude toward proceeding;
 - (d) Physical or mental disability or impairment;
 - (e) Interim rehabilitation;
 - (f) Imposition of other penalties or sanctions.

Stat. Auth.: ORS 183.310(7) & ORS 688.555(1)
 Stats. Implemented:
 Hist.: RT 1-1992, f. & cert. ef. 2-15-92

337-010-0065

Requiring an Answer to Charges as Part of Notices to Parties in Contested Cases

In addition to the notice requirements under the Attorney General's Model Rules of Procedure adopted under OAR 337-001-0005, the notice to parties in contested cases may include the statement that an answer to the assertions or charges will be required, and if so, the consequence of failure to answer. A statement of the consequences of failure to answer may be satisfied by enclosing a copy of OAR 337-010-0075 with the notice.

Stat. Auth.: ORS 688
 Stats. Implemented:
 Hist.: RT 2-1985, f. & ef. 7-1-85

337-010-0075

Hearing Request and Answers: Consequences of Failure to Answer

(1) A hearing request, and answer when required, shall be made in writing to the Board by the party or his attorney and an answer shall include the following:

- (a) An admission or denial of each factual matter alleged in the notice;
 - (b) A short and plain statement of each relevant affirmative defense the party may have.
- (2) Except for good cause:
- (a) Factual matters alleged in the notice and not denied in the answer shall be presumed admitted;

(b) Failure to raise a particular defense in the answer will be considered a waiver of such defense;

(c) New matters alleged in the answer (affirmative defenses) shall be presumed to be denied by the agency; and

(d) Evidence shall not be taken on any issue not raised in the notice and answer.

Stat. Auth.: ORS 688
 Stats. Implemented:
 Hist.: RT 2-1985, f. & ef. 7-1-85

337-010-0080

Processing of Applications

Applications for licensure under the auspices of the Board will be processed in the order received in the Board office. Paper documents will be date-stamped. Electronic documents will be dated and timed, to the extent possible by existing technology.

Stat. Auth.: ORS 688.555(1)
 Stats. Implemented: ORS 688.445(1)
 Hist.: BRT 6-1998, f. & cert. ef. 10-16-98

DIVISION 20

BIRTHDAY MONTH RENEWAL

337-020-0000

Radiologic Technologist or Radiation Therapist License — Permanent

(1) Effective April 1, 1999, all Radiologic Technologist or Radiation Therapist licenses will be renewed for a period of between two (2) years and three (3) years and eleven (11) months. The month and year of the applicant's birthday will determine the length of the license issued.

(a) On April 1, 1999, applicants who were born in an odd year will be issued a license that will expire between March 31, 2001 and February 28, 2002. The license will expire on the last day of the month preceding the month of the applicant's birthday.

(b) On April 1, 1999, applicants who were born in an even year will be issued a license that will expire between March 31, 2002 and February 28, 2003. The license will expire on the last day of the month preceding the month of the applicant's birthday.

(c) Regardless of whether the applicant was born in an odd or an even year, each succeeding license must be renewed prior to the first day of the month in the month the applicant was born. Each license will then be renewed for a period of two (2) years.

(2) Any license not renewed on or before the dates specified expires and may be reinstated only as provided in ORS 688.445(4).

Stat. Auth.: ORS 688.555(1)
 Stats. Implemented: ORS 688.445(5)
 Hist.: RT 2-1989, f. & cert. ef. 11-2-89; BRT 1-1998(Temp), f. 2-13-98, cert. ef. 4-1-98 thru 9-27-98; BRT 5-1998, f. & cert. ef. 7-15-98; BRT 1-2002, f. 1-10-02, cert. ef. 1-14-02

337-020-0020

Limited Permit — Permanent

(1) Effective April 1, 1998, all limited permits will be renewed for a period of between two (2) years and three (3) years and eleven (11) months. The month and year of the applicant's birthday will determine the length of time.

(a) On April 1, 1998, applicants who were born in an odd year will be issued a license that will expire between March 31, 2000 and February 28, 2001. The limited permit will expire on the last day of the month preceding the month of the applicant's birthday.

(b) On April 1, 1998, applicants who were born in an even year will be issued a limited permit that will expire between March 31, 2001 and February 28, 2002. The limited permit will expire on the last day of the month preceding the month of the applicant's birthday.

(c) Regardless of whether the applicant was born in an odd or an even year, each succeeding limited permit must be renewed prior to the first day of the month in the month the applicant was born. Each limited permit will then be renewed for a period of two (2) years.

(2) Any limited permit not renewed on or before the dates specified expires and may be reinstated only as provided in ORS 688.515(4).

Stat. Auth.: ORS 688.555(1)
Stats. Implemented: ORS 688.515(4)
Hist.: RT 2 1989, f. & cert. ef. 11-2-89; BRT 1-1998(Temp), f. 2-13-98, cert. ef. 4-1-98 thru 9-27-98; BRT 5-1998, f. & cert. ef. 7-15-98; BRT 1-2002, f. 1-10-02, cert. ef. 1-14-02

337-020-0040

Requirements for Prorating of Fees

License and limited permit renewal fees will be prorated only if the applicant can demonstrate to the Board that (s)he did not practice radiologic technology in Oregon during the time the license or limited permit was expired.

Stat. Auth.: ORS 688
Stats. Implemented:
Hist.: RT 2-1989, f. & cert. ef. 11-2-89

DIVISION 21

FEEs

337-021-0005

Fee for a Temporary License

The Board shall issue a six (6) month Temporary License to a qualified applicant upon receipt of a \$24 fee.

Stat. Auth.: ORS 688.555(1)
Stats. Implemented: ORS 688.515(6)
Hist.: BRT 1-2002, f. 1-10-02, cert. ef. 1-14-02

337-021-0010

Fee for a Temporary Limited Permit

The Board shall issue a six (6) month Temporary Limited Permit to a qualified applicant upon receipt of a \$24 fee.

Stat. Auth.: ORS 688.555(1)
Stats. Implemented: ORS 688.515(6)
Hist.: BRT 2-1998(Temp), f. & cert. ef. 4-20-98 thru 10-15-98; BRT 5-1998, f. & cert. ef. 7-15-98; BRT 1-2002, f. 1-10-02, cert. ef. 1-14-02

337-021-0020

Fee for a Delinquent Renewal

An additional \$25 delinquent fee must accompany license or limited permit renewals not postmarked by the last day of the month that the license or permit expires.

Stat. Auth.: 688.555(1)
Stats. Implemented: ORS 688.445(4) & ORS 688.515(4)
Hist.: BRT 2-1998(Temp), f. & cert. ef. 4-20-98 thru 10-15-98; BRT 5-1998, f. & cert. ef. 7-15-98; BRT 1-2002, f. 1-10-02, cert. ef. 1-14-02

337-021-0030

Fee for a Radiologic Technologist or Radiation Therapist License—Permanent

Effective April 1, 1998, the fee for a Radiologic Technologist or Radiation Therapist is \$4 per month.

Stat. Auth.: ORS 688.555(1)
Stats. Implemented: ORS 688.445(5)
Hist.: BRT 5-1998, f. & cert. ef. 7-15-98; BRT 1-2002, f. 1-10-02, cert. ef. 1-14-02

337-021-0040

Fee for a Limited Permit — Permanent

Effective April 1, 1998, the fee for a limited permit is \$4 per month.

Stat. Auth.: ORS 688.555(1)
Stats. Implemented: ORS 688.515(6)
Hist.: BRT 5-1998, f. & cert. ef. 7-15-98; BRT 1-2002, f. 1-10-02, cert. ef. 1-14-02

337-021-0050

Fee and Requirements for An Expedited Initial, Renewal or Reinstatement License or Limited Permit

(1) In addition to the standard fee of \$4 per month per OAR 337-021-0005, 337-021-0010, 337-021-0030, 337-021-0040, and delinquent fee of \$25 per OAR 337-21-0020, if applicable, the fee for an expedited initial, renewal or reinstatement license or limited permit is \$50. Payment must be made via either cashier’s check or money order.

(2) In addition to the fee, for an initial, renewal, or reinstatement applicant to be eligible to receive an expedited license or limited permit, the following is required:

- (a) A completed application and photograph (for an initial application);
- (b) No history of arrests, convictions or chemical dependency; and
- (c) Completion of Continuing Education requirements as provided by OAR 337-010-0025.

Stat. Auth.: ORS 688.555(1)
Stats. Implemented: ORS 688.455 & ORS 688.515(6)(7)(8)
Hist.: BRT 1-2002, f. 1-10-02, cert. ef. 1-14-02